

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES A. MCKANIN, PETER FASCIANO,
JEFFREY D. KURTZE, STEPHEN M. DISCIULLO,
PAUL H. GREAVES and HARRY DER

Application No. 08/932,784

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on February 10, 2004. The application has been reviewed and it is still not clear from the record that the Examiner considered the Information Disclosure Statement (Paper No. 12) filed July 9, 1999.

Further review revealed that an Amendment (Paper No. 33), was filed concurrently with the Appeal Brief dated December 23, 2003. Although it is clear that the Examiner considered the Amendment and such consideration is acknowledged in the Examiner's

Answer (Paper No. 37), the Amendment has not been processed or entered.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration of the IDS dated July 9, 1999 (Paper No. 12);
- 2) IDS, Form 1449 needs to be signed by the examiner;
- 3) entry of the Amendment (Paper No. 33), filed December 23, 2002; and
- 4) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
PROGRAM AND RESOURCE ADMINISTRATOR
(703) 308-9797

DMS/dpv
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PETER J. GORDON
PATENT COUNSEL
AVID TECHNOLOGIES, INC.
ONE PARK WEST
TEWKSBURY, MA 01876